

**REMARKS**

Reconsideration and withdrawal of the rejections and objections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance.

Claims 1-28 are pending. Claims 1, 4-7, 9-11 and 13-28 are amended, without prejudice. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the specification, for example, in Fig 3.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, and the remarks that follow are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

The Examiner objected to the drawings. Specifically, the Examiner indicated that the reference characters used in Fig. 6 have also been used in Fig. 11. Applicants have amended Fig. 11 to have reference characters that are different than the reference characters of Fig. 6. Applicants have further amended the specification at page 19, line 12 to page 21, line 16 to conform the specification to the changes made to Fig. 11. Applicants therefore respectfully request that the objection to the drawings be withdrawn.

Claim 21 was rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Settle et al. (U.S. Patent No. 6,233,253) in view of Matsuzaki et al. (U.S. Patent No. 6,522,672). Applicants disagree.

Claim 21, recites in part, “A broadcasting system...comprising...**second multiplexing means for multiplexing the pairs of multiplexed encoded video data, encoded audio data and data of the program information...**” (Underlining and Bold added for emphasis.)

It is respectfully submitted that the portions of Settle and Matsuzaki relied upon by the Examiner do not teach, suggest or motivate a skilled artisan to practice at least the above-recited feature of claim 21.

In explaining the above 103(a) rejection with regard to claim 21, the Examiner conceded that Settle does not teach “setting a multiplexing ratio for the additional program information.” In an attempt to overcome this deficiency, the Examiner apparently relies on Matsuzaki to teach such feature. In particular, the Examiner appears to rely on column 5, lines 14-23 of Matsuzaki.

Matsuzaki, however, fails to overcome the defects of Settle. Matsuzaki relates to a multiplexer device for multiplexing multimedia data (column 1, lines 6-9). However, Matsuzaki does not disclose a second multiplexing means for multiplexing the pairs of multiplexed encoded video data, encoded audio data and data of the program information, as instantly claimed. Therefore, the instant claims are believed to be distinguishable from the applied combination of Settle and Matsuzaki for at least the reasons stated above.

Applicants therefore respectfully request that the rejection of claim 21 under 35 U.S.C. §103(a) over Settle and Matsuzaki be withdrawn.

Claims 15, 17-19 and 22-28 were rejected under 35 U.S.C. 102(e) allegedly as being anticipated by Settle et al. Applicants disagree.

Claim 15, recites in part, “An information receiving apparatus which receives multiplexed program information that is **comprised of a plurality of multiplexed pairs of encoded signals, each pair of encoded signals having one encoded video signal and one encoded audio signal**...” (Underlining and Bold added for emphasis.)

It is respectfully submitted that the portions of Settle relied upon by the Examiner do not teach, suggest or motivate a skilled artisan to practice at least the above-recited feature of claim 15.

Settle relates to a multiplexer device for multiplexing multimedia data (column 1, lines 6-9). However, Settle does not disclose a plurality of multiplexed pairs of encoded signals, each pair of encoded signals having one encoded video signal and one encoded audio signal, as instantly claimed. Therefore, the instant claims are believed to be distinguishable from Settle for at least the reasons stated above.

For reasons similar to those described above, claims 17, 19 and 22-28 are also believed to be distinguishable from Settle.

Claim 18 depends from claim 17 and, due to such dependency, is also believed to be distinguishable from Settle for at least the reasons previously described.

Applicants therefore respectfully request that the rejection of claims 15, 17-19 and 22-28 under 35 U.S.C. §102(e) be withdrawn.

Claims 16, 18 and 20 were rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Settle et al. in view of Matsuzaki et al. Applicants disagree.

Claims 16, 18 and 20 depend from one of claims 15, 17 and 19, and, due to such dependency, are also believed to be distinguishable over Settle and Matsuzaki for at least the

reasons previously described. Therefore, claims 16, 18 and 20 are believed to be distinguishable over the applied combination of Settle and Matsuzaki.

Applicants therefore respectfully request that the rejection of claims 16, 18 and 20 under 35 U.S.C. §103(a) be withdrawn.

Claims 1-14 were rejected under 35 U.S.C. 102(e) allegedly as being anticipated by Matsuzaki et al. Applicants disagree.

Claim 1, recites in part, “An information transmitting apparatus...comprising...  
**second multiplexing means for multiplexing the multiplexed plurality of pairs of encoded video signals and encoded audio signals...**” (Underlining and Bold added for emphasis.)

It is respectfully submitted that the portions of Matsuzaki relied upon by the Examiner do not teach, suggest or motivate a skilled artisan to practice at least the above-recited feature of claim 1.

Matsuzaki relates to a multiplexer device for multiplexing multimedia data (column 1, lines 6-9). However, Matsuzaki does not disclose a second multiplexing means for multiplexing the multiplexed plurality of pairs of encoded video signals and audio signals, as instantly claimed. Therefore, the instant claims are believed to be distinguishable from the applied combination of Settle and Matsuzaki for at least the reasons stated above.

For reasons similar to those described above, claims 6, 7, 10 and 11 are also believed to be distinguishable from Matsuzaki.

Claims 2-5, 8, 9, 12 and 13 depend from one of claims 1, 6, 7, 10 and 11 and, due to such dependency, are also believed to be distinguishable from Matsuzaki for at least the reasons previously described.

Applicants therefore respectfully request that the rejection of claims 1-14 under 35 U.S.C. §102(e) be withdrawn.

The Examiner has apparently made of record, but not relied upon, a number of documents. The applicants appreciate the Examiner's explicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant(s)

By:   
Samuel H. Megerditchian  
Reg. No. 45,678  
(212) 588-0800